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September 19, 2007

BY HAND DELIVERY

Honorable William H. Pauley III
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 2210
New York, NY 10007

Application granted.
SO ORDERED:

WILLIAM H. PAULEY III U.S.D.J.

10/4/07

Re: Hector Morales, et al. v. City of New York, et al.
07-CV-7511 (WHP)(RLE)

Your Honor:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, supervising the defense of the above-referenced federal civil rights lawsuit.¹ I respectfully write to request a forty-five day enlargement of time for defendant City of New York to answer or otherwise respond to the complaint from September 24, 2007 to November 9, 2007. Plaintiff's counsel, Joseph S. Hubicki, Esq. consents to this request.

There are several reasons for seeking an enlargement of time. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. In this case, the plaintiffs allege that at about 3:30 p.m. on February 23, 2007, New York City police officers unlawfully entered their apartment and unlawfully arrested and handcuffed them. The plaintiffs further allege that they were unlawfully detained, that their apartment was unlawfully searched, and that the defendants damaged their apartment and damaged and stole their personal property. It is our understanding that the records of the underlying criminal action, including police records, have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of those sealed records so that this office can access the information, properly assess the case, and respond to the complaint.

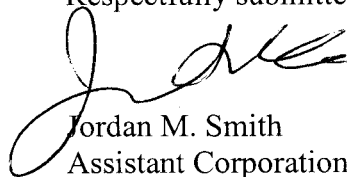
¹ This case has been assigned to Assistant Corporation Counsel Maurice Hudson, who is presently awaiting admission to the bar and is handling this matter under my supervision. Mr. Hudson may be reached directly at (212) 788-8684.

The proposed extension of time to respond to the complaint will also enable plaintiffs to complete service of process upon the individually named defendant if they have not already done so. Once service is effected, the enlargement will allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent the individual defendants. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

No previous request for an enlargement of time to respond to the complaint has been made. Accordingly, it is respectfully requested that defendant's time to answer or otherwise respond to the complaint be enlarged from September 24, 2007, to November 9, 2007.

Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jordan M. Smith', is written over the typed name.

Jordan M. Smith
Assistant Corporation Counsel

cc: Joseph Stanley Hubicki, Esq. (by Fax)